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SERIES III No. 24



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and Labour Department

Mormugao Port Trust

Notification No. MPT/10-GA(10)/79

In exercise of the powers conferred vide Section 123 (f, j, k) read with Section 124(1) and (2) of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Mormugao hereby makes the following regulations namely:—

1.1 These Regulations may be called the Mormugao Port (Shipment of Ore and Pellets from Mechanical Ore Handling Plant at berth No. 9 and related matters) Regulations, 1979.

1.2 The object of these regulations is:

(i) to define the procedure to be observed in respect of utilisation of the services of the Mechanical Ore Handling Plant at berth No. 9 of Mormugao Port Trust, including the use of its storage yard and the conditions upon which such services shall be made available with a view to achieving the maximum possible efficiency in the working of the plant.

(ii) to define the procedure to be observed in respect of the utilisation of other loading facilities in the Port as Mechanical Ore Handling Plant at berth No. 6, the transhipper vessels, reloader vessel, etc. for meeting in full the needs of export potential of iron ore and pellets through the Port and to impose such restrictions thereon as may be expedient to subserve the optimum utilisation of the Mechanical Ore Handling Plant at Berth No. 9.

1.3 (i) "Act" means the Major Port Trusts Act, 1963, as amended from time to time.

(ii) the expressions "Board", "Chairman", "Dy. Chairman", "goods", "Master", "Owner", "Vessel", have the same meanings as in the Act.

(iii) "Chief Mechanical Engineer" means the Head of the Engineering (Mechanical) Department of the Board and includes any Officer acting under the authority of the Chief Mechanical Engineer.

(iv) "Concessionaire" means M/s. Chowgule & Co. in terms of concession granted under the provisions of annexure referred to in Article No. 2 of the Decree Law No. 41816 of 9-8-1958 in respect of berth No. 6.

(v) "Concession area" means the whole area of the concession granted to the concessionaire at Mormugao Port including berth No. 6 and 7, the storage space and installations thereon.

(vi) "Deputy Conservator" means the Head of the Marine Department of the Board and includes any Officer acting under the authority of the Deputy Conservator.

(vii) "Exporter" means any person exporting ore or pellets from the Port of Mormugao.

(viii) "The Mechanical Ore Handling Plant" means the mechanical installation of the Mormugao Port Trust for handling ore or pellets at Berth No. 9.

(ix) "Ore" means iron ore.

(x) "Pellets" means pellets of iron ore.

(xi) "Port" means the Major Port of Mormugao.

(xii) "Traffic Manager" means the Head of Traffic Department of the Board and includes any Officer acting under the authority of the Traffic Manager.

General

2.1 The operation of the Mechanical Ore Handling Plant including unloading of ore/pellets coming in barges or railway wagons, conveying to storage plots of such ore/pellets, loading of ore/pellets from storage plots or from barges or railway wagons as the case may be into the holds of vessels and the maintenance of the said plant shall be performed solely by the Board.

2.2 The Board shall be responsible for handling the ore/pellets at the MOHP only by mechanical means and further shall not be required to handle any ore/pellets deposited outside the Mechanical Ore Handling Plant nor to carry out any manual operation in respect of such ore/pellets.

2.3 The Mechanical Ore Handling Plant shall be used for the purposes detailed hereunder:

(a) Unloading ore/pellets from barges by means of grabs and conveying of same to storage plots.

(b) Unloading ore/pellets from wagons by mechanical means and conveying to storage plots.

(c) Loading ore/pellets from storage plots or from barges or rail wagons and discharging the same into vessels.

2.4 The Board shall determine and inform the specifications of ore/pellets suitable to be handled by the Mechanical Ore Handling Plant. The Chief Mechanical Engineer may refuse to handle any ore/pellets which judged from such specifications, is not suitable for handling by the Mechanical Ore Handling Plant.

2.5 All vessels shall load ore/pellets in Mormugao Port, only at the Mechanical Ore Handling Plant, except in the following cases:

(a) Vessels loading ore/pellets at berth No. 6 for the concessionaire or other exporters who are allotted plots therein.

(b) Vessels loading ore/pellets at berth No. 6 permitted by the Traffic Manager to so load.

(c) Vessels below 20,000 DWT or vessels with gear which, in the opinion of the Traffic Manager, are not

suitable for the smooth and efficient loading at Mechanical Ore Handling Plant and so permitted by him to load by other means.

(d) Vessels which having loaded at berth No. 6 or 9, to the maximum permissible draft, require to be uptopped for carrying the full load.

(e) Vessels, which by reasons of oversize, cannot be brought alongside at berth No. 9.

(f) Vessels, which in the opinion of the Traffic Manager are likely to be detained unduly, on account of interruption of loading at MOHP due to breakdown of plant, dredging at berth No. 9 or other legitimate reasons.

2.6 Whenever it becomes necessary to interrupt the operations at MOHP for carrying out repairs to quays walls or fenders at Berth No. 9 or for carrying out maintenance or repairs to the Plant or for carrying out dredging at berth No. 9 and the approaches, the Traffic Manager shall notify the exporters with reasonable anticipation, of the intention to carry out such repairs and of the time estimated to be occupied therein. The repairs shall be carried out in such manner as to impede as little as possible the operation of the Plant. The Board shall not be held liable for any damage to the Exporters arising out of such interruption.

Storage Plot—Allotment

3.1 The Board shall designate the part of the plant area to be used for the purposes of storage of ore/pellets.

3.2 The Board may divide the storage area into storage plots, each of a size sufficient to hold approximately the quantity required to load a ship most efficiently as the maximum draft, size of ship, loading rate, etc. would permit. It shall be competent for the Board to have plots of different sizes for different exporters and to alter the size of the plot from time to time, with due notice to the concerned exporters.

3.3 The Board may allocate storage plots in such a manner as to ensure the most efficient service of the plots by the MOHP.

3.4 It shall be competent for the Board to refuse to allot to any exporter, other than the concessionaire, who has been allotted a plot at MOHP, any plot in the concession area. In the event of an exporter other than the concessionaire, requiring plots at both MOHP and the concession area, plots may be so allocated, in extraordinary circumstances, subject to such conditions, as may be stipulated by the Chairman, to ensure proper utilisation of the MOHP facilities.

3.5 Every exporter allotted a plot in MOHP shall execute an agreement with the Board in respect of the storage plot. Such agreement shall generally be drawn for a period of two years. The first such period shall commence after one month of the coming into force of these Regulations and shall expire on the 31st March of the second year following. Thereafter each such period shall consist of two full years commencing on the first April and expiring on 31st March of the second year following.

3.6 On the coming into force of these Regulations and thereafter in the month of February immediately preceding the expiry of each two years period the Board shall publish in the leading local newspapers notice calling for applications from interested parties for allotment of storage plots for the following period. The Board may stipulate the minimum tonnage turn over of shipments of ore/pellets through each plot, to qualify for allotment of that plot. Applications for allotment of plots shall be made within the date prescribed in the notice. Every such application shall be required to state the type of ore/pellets for which the plot is desired and to certify the quantity of ore/pellets exported by the applicant through the Port during the last 24 months before such application is made and the quantity of ore/pellets for which export contracts are held by him. The mean of the two previous years export quantities shall be "export potential" for the applicant.

3.7 On expiry of one month from the date of publication of such notice, the Board may allot the storage plots. The plots shall be allotted to the applicants in the descending order of the respective export potential, not more than one storage plot being allotted to each applicant. The Board may allot, if circumstances so warrants, one plot to more than one exporter.

3.8 On expiry of each allotment period, every exporter then holding the storage plot shall have option to have the allotment renewed for a further period of two years, provided he has fulfilled the terms of agreement that expired and further provided that he proves to the satisfaction of the Board, he has sufficient export potential to qualify for allotment.

3.9 In case of allotment of any plot to more than one exporter, the exporters shall be responsible, jointly and severally, for the compliance with any and all provisions of the Regulations and execute an agreement to that effect.

3.10 The Board shall be entitled in its absolute discretion to depart from the method of allotment set out in Regulations 3.7, 3.8 or 3.9, provided that in such event the Board shall inform all interested applicants of its reasons for so doing.

3.11 In exceptional circumstances it shall be open to the Board, not to allot any plot to any particular exporter on annual basis but hold it on its own and permit collection and storage of ore/pellets and shipment thereof, on a ship to ship basis, subject to such conditions as may be stipulated from time to time.

3.12 If at any time upon completion of allotment of storage plots in accordance with the provisions of Regulation 3.7 there shall remain any plot/s unallotted to exporters the Board may put to use any or all such plots as may be deemed fit.

3.13 If any exporter shall at any time cease to export ore/pellets through the MOHP for a period of three consecutive months not including the monsoon period, he shall for the purposes of these Regulations be deemed to cease temporarily to use the storage plot then allotted to him. In such event, should the plot be lying vacant, the Traffic Manager may upon giving 7 days' notice, to such exporter resume and use the same unless the exporter should advise within the notice period, his intention to immediate use of the plot. Such use by the Board may continue so long as is required or until such exporter shall upon giving 15 days' advance notice to the Board of his intention to resume the use of the same. Should the plot be occupied the Traffic Manager may give written notice to such exporter to vacate any or all of such storage plots within a period of 30 days whereupon such exporter shall remove therefrom all ore/pellets and any other matter or thing thereon.

3.14 The allotment of any storage plot may expire by efflux of time or be determined either at the request of the allottee upon giving three months' advance notice in writing to the Board or in accordance with the provisions of the Regulation 3.17.

3.15 Every exporter shall on the expiry of any allotment held by him of any plot, vacate the same forthwith. When the allotment is determined for any reasons whatsoever the exporter shall vacate the plot within thirty days of receiving notice of such determination. In any event the exporter shall, prior to vacation of any storage plot, cause any ore/pellets matter or other thing situated thereon to be removed therefrom.

3.16 If any exporter shall fail to comply fully with the provisions of Regulations 3.13 or 3.15, the Board shall eject such exporter and/or his servants or agents from such storage plot and shall cause any ore/pellets matter or other thing situated on such storage plot to be removed therefrom and to be sold to defray, the cost of the removal. If the proceeds of the sale shall exceed the cost of removal, the Board shall pay the balance over to the exporter. If the cost of removal shall exceed the proceeds of sale, the Board shall be entitled to recover the balance from such exporter.

3.17 Save with the written permission of the Traffic Manager, no exporter to whom a storage plot is allotted shall cause or permit to be placed or left thereon any matter or thing of any kind whatsoever other than ore or pellets. If any other matter or thing shall be found upon any storage plot and if the exporter of such storage plot shall fail to remove it upon receipt of notice, the Board shall remove the same and recover the cost of such removal from such allottee. If such exporter shall within one month of receiving the bill of cost for such removal, fail to pay the same, the Board may without prejudice to its right to recover such cost give one month's notice in writing to the allottee to determine such allotment.

3.18 No exporter, to whom a plot is allotted at the MOHP, shall allow it to be used by any other person or exporter

without the express permission of the Traffic Manager in the event of such unauthorised use, the allotment may be determined.

Barge Unloaders — Allocation

4.1 All exporters allotted storage plot in the MOHP area shall have the right to receive services of the barge unloaders reasonably proportionate to the respective export potential through the plant for unloading ore/pellets arrived in barges.

The period of time for which the barge unloaders shall be reserved for and made available to each exporter or set of exporters holding one plot shall be on a weekly basis, (the week being reckoned from the first shift of Monday to third shift of Sunday following). The anticipated barge unloading hours available in a week will be allocated to the different exporters in direct proportion to the respective "weekly" export potential through berth No. 9, which will be arrived at by dividing the annual export potential through berth No. 9 by the number of weeks in the period of the year during which the shipments will be effected. Each exporter will be credited with the number of barge-unloader hours so arrived at, at the beginning of the week. The number of barge-unloader hours actually allocated to each exporter or set of exporters holding one plot during the week will be debited. No exporter shall ordinarily be entitled to barge-unloader hours in excess of the credit. Should any exporters fail in any one week to utilise or be deprived of the use due to no fault of his the whole or any part of such period allocated to him compensatory time may be given to the extent possible in the next week.

4.2 The working hours in a day shall be divided into blocks of suitable hours and a set of barge-unloaders allocated for each exporter or set of exporters holding one plot taking into consideration the operational factors of the conveyor system, the stock of ore in his plot, the schedule of arrival of vessel and the number of barge-unloader-hours standing to his credit.

4.3 The Traffic Manager shall hold a meeting every day at specified time to decide on the programme for collection of cargo and the allocation of the barge-unloaders for the following days, in consultation with the Chief Mechanical Engineer and the exporters. The exporters shall furnish all necessary information at the meeting. The number of barge-unloaders and the block time allocated to each exporter will be decided by the Traffic Manager and announced at the meeting. The exporters shall accordingly arrange for the barges.

4.4 If any exporter should fail to produce barges for unloading at the time of commencement of the period allocated to him, the Traffic Manager may, in his discretion, offer the services of the unloader/unloaders to another exporter for the purpose of unloading the barges. If in the meantime there should arrive the barges of the exporter who is entitled to the use of the unloader for such period, the unloading of such late arrived barges shall commence only after completing the discharge of barges under discharge and such exporter shall thereafter be entitled to the use of the unloader until termination of the period originally allocated to him.

4.5 On termination of any period allocated to any exporter as aforesaid, the barges of the exporter (whether undischarged or completely or partially discharges) shall be removed from the barge berths.

4.6 The right to receive services of the barge unloaders shall cease concurrently with termination of allotment or with issue of notices under Regulations 3.13, 3.14, 3.15 and 3.17.

Wagon Tippler — Allocation

5.1 The unloading of ore/pellets arrived by rail may be done by means of the wagon tippler at the request of the consignee, in accordance with the instructions of the Traffic Manager and in a way that the ore be accessible to the MOHP.

5.2 If detention of any wagon is, in the opinion of the Traffic Manager, likely to be caused for undue time, the Traffic Manager may direct the exporter to unload the wagon at any other place and the exporter shall do so at his own cost and responsibility.

Berthing Priority

6.1 Vessels requiring to load at berth No. 9 shall be berthed in the order in which they arrive at the Port.

6.2 If any notice required under Regulation 7.1 or 7.2 hereof is not given in respect of any vessel until after the same has arrived at the Port, such vessel shall not for the purpose of these Regulations be deemed to have arrived at the Port until 24 hours have elapsed after such notice has been duly given.

6.3 No vessels even on its turn, can claim a right to come to berth No. 9 for the purpose of loading ore/pellets by the MOHP unless and until there shall to the satisfaction of the Traffic Manager, be found deposited in storage plot held by the exporter whose ore/pellets is to be loaded thereon, sufficient quantity of ore/pellets to be shipped of the grade declared as being required to be loaded on board such vessel.

6.4 If at the time when a vessel is to be berthed for loading, there is not available in the storage plot sufficient quantity of ore as required in terms of Regulation 6.3, such vessel shall not be berthed for loading and thereafter shall go back to the head of the queue until the requirements of Regulation 6.3 hereof are fulfilled.

6.5 If interruption of the ore traffic through the MOHP for a period longer than ten consecutive days is anticipated by the Board, the Traffic Manager shall give to the exporters reasonable advance notice of such anticipated interruption.

6.6 If a breakdown of the MOHP should cause an interruption whilst loading of a vessel such vessel may be permitted by the Traffic Manager to continue the loading by other means.

6.7 In the event of a breakdown in the MOHP all the vessels awaiting or arriving to load at berth No. 9, provided they have complied with the provisions of Regulation 7.1 and are in a position to complete the loading by other means, may be permitted by the Traffic Manager to do so.

Operation of the MOHP

7.1 Any exporter who may require to load iron ore/pellets in Mormugao Port, shall give Ten days' notice in the prescribed form to the Traffic Manager, and furnish such information as may be required for operational planning.

7.2 The exporter shall give at least twenty four hours further notice, in the prescribed form, to the Traffic Manager of the expected time of arrival of such vessel at the Port.

7.3 Upon receipt of such Ten days' notice the Traffic Manager shall in consultation with the Chief Mechanical Engineer and the Deputy Conservator advise the exporter of the approximate date upon which it is anticipated that the berth at the MOHP will be available to the said vessel. Such advice shall however be regarded only as an indication of such anticipated date and shall in no circumstances be understood to have fixed a firm date for the loading of the vessel.

7.4 The Traffic Manager shall, subject to the provisions of these regulations, give all directions relating to the loading of ore/pellets into vessels at berth No. 9.

7.5 The Board shall not be required to load ore/pellets into such holds or recesses of any ocean-going vessel as may not directly be accessible to the MOHP, nor to carry out any operation which in the opinion of the Traffic Manager would occupy the MOHP for an undue period of time, nor to carry out any stowage or manual handling of the ore loaded by the MOHP however normal Trimming by use of the loader arm to the extent possible may be carried out according to the requirement of the Master of the vessel.

7.6 The Master of the vessel shall ensure that the hatch loading plans are furnished in good time and such plans are with due regard to permissible load, proper stowage distribution the stability and navigability of ship. It shall be his responsibility at all times to see that the loading is supervised, particularly at completion preferably by qualified surveyors to make sure that the vessel is not loaded beyond the draft permitted.

7.7 No responsibility shall attach to the Board by reason of overloading the vessel beyond the permitted draft. In any case of overloading the Master/Owner/Shipper/Agent of the vessel shall cause to lighten the vessel to the required draft, at his own cost and responsibility.

7.8 The unloading of ore/pellets from barges may be refused if the ore/pellets is unsuitable for handling by means of the MOHP or is inaccessible or improperly stowed for grab discharge.

7.9 The mooring and movement of all barges approaching or near the barge berths shall be in accordance with the directions of the Traffic Manager and the exporter shall bring forward the barges as may be directed by the Traffic Manager from time to time. Such movements or moorings shall be subject to the general regulations of the Port and carried out in such a manner as not to interfere with the berthing, unberthing or manoeuvring of vessels at berth No. 9 or with the dredging at berth No. 9 or the Barge Jetties.

7.10 The barge shall be kept in position at the jetty, while the unloading operations is in progress, so as to facilitate the working of the barge unloaders.

7.11 On completion of unloading or the time allocated to the exporter the barge shall be removed from the jetty forthwith. If the barge is not so removed, it shall be liable to jetty hire charges as may be laid down in the Schedule of Harbour and Railway Rates. The exporter whose ore/pellets the barge carried shall be responsible for the payment of the charges.

7.12 When the ore/pellets is transported by the exporter by rail, the Traffic Manager shall cause the wagons loaded with ore to be placed on the siding for the services of the MOHP and in a way suitable for expeditious unloading of same.

7.13 In the event of detention of such wagons beyond the free period allowed demurrage charges in respect thereof shall be payable by the consignee at the prescribed rates.

7.14 The exporter shall ensure that there are no foreign bodies in the ore/pellets supplied through the barges or wagons. Should any be found to have caused damage to the plant or the conveyor belts, the exporter in whose ore the foreign body is found shall make good the cost of repairs.

7.15 The Board shall not be responsible if any foreign bodies find their way to the holds of the vessel with the ore/pellets. The exporter shall keep the Board indemnified against any claim for such presence of foreign bodies in the ore/pellets shipped.

7.16 All the measurements as recorded in the automatic weighing scale shall be considered approximate and provisional. No liability shall attach to the Board for any failure of the automatic weighing scale due to mechanical or any other reason. The quantity of ore/pellets loaded will be as determined based on vessels' draft, by Master of the vessel and witnessed by the representatives of the exporter.

Charges

8.1 For each ton of 1000 kg. of ore/pellets passing through the MOHP the exporter thereof shall pay such charges at such rate and in such instalments as may be specified in the Schedule of Harbour and Railway Rates of Mormugao Port Trust.

8.2 Upon allotment of storage plot, the exporter shall furnish Bank guarantee for such sum as may be specified in the agreement.

8.3 It shall be a condition of the agreement, that an exporter shall effect shipment through that plot and achieve a guaranteed annual turn over in terms of the storage capacity of the plot. In case the guaranteed turn over is not achieved the exporter shall make good the handling charges to the extent of short fall within one month from end of the annual period.

8.4 It shall be open for the Board to allow a rebate on the handling charge to the exporters who achieve such turn over, over and above the guaranteed tonnage as may be specified in the Schedule of Harbour and Railway Rates.

8.5 For the purpose of these Regulations, only the exporter/s to whom the plot is allotted will be given the credit for the shipment through that plot.

8.6 In the event that any exporter fails to pay the amount within one month from the date upon which it is due in respect of any storage plot allotted to him, the Traffic Manager may give one month's notice of the intention to encash the Bank Guarantee and if such exporter fails to pay the amount before the expiry of such notice the Bank Guarantee may be encashed by the Board.

8.7 On expiry or determination of the allotment of any storage plot for any reason whatsoever, the Board shall release the Bank Guarantee to the allottee of such storage plot subject to there being no amount outstanding payment to the Board in respect of such storage plot.

Transhipper/Reloader Working

9.1 No transhipper/reloader platform shall operate within the Port of Mormugao unless permitted by the Board under Section 46(1) and Section 42(3) of the Act.

9.2 All transshippers/reloader platform within the Port of Mormugao shall load such vessels at such places within the Port as may be assigned to them by the Traffic Manager and shall move away from such vessel or such place when so required by the Traffic Manager or the Deputy Conservator.

9.3 The transshippers/reloader platform shall not be used to do primary loading in the Port except in respect of any vessel which cannot come alongside berth No. 9.

9.4 The transhipper/reloader shall not be used to load any ore/pellets without the same having been assigned to each of them by the Traffic Manager.

Miscellaneous

10.1 In all such cases not foreseen in this set of Regulations or when in the opinion of the Chairman or Deputy Chairman no party will suffer by non-compliance of these Regulations, the Chairman or Deputy Chairman may use his discretion to arrange the work in such a manner as to obtain maximum efficiency of the MOHP.

10.2 In applying the foregoing Regulations and in respect of matters not dealt with specifically in these Regulations, the provisions of Major Port Trusts Act, 1963, Indian Ports Act, 1908 and the regulations framed thereunder from time to time shall be followed in so far as they are not inconsistent with the provisions of these Regulations, subject to such exceptions and modifications as the Board may from time to time determine.

By Order

Mormugao, Goa
11th September, 1979.

(R. JEEVARATHNAM)

Secretary

V. No. 2998/1979